**Created with a trial version of Syncfusion Word library or registered the wrong key in your application. Click [here](https://www.syncfusion.com/account/claim-license-key?pl=ZmlsZWZvcm1hdHM=&vs=MjYuMi4xMg==) to obtain the valid key.**

<p>&nbsp;</p>

<p><strong>IN THE HIGH COURT OF JUDICATURE FOR #DBStateName#</strong></p>

<p><strong>AT #DBBench#</strong></p>

<p>&nbsp;</p>

<p>#DBStrength# #DBCaseType# NO.&nbsp; #DBCaseNoYear#</p>

<p>&nbsp;</p>

<p>#DBFirstTitleFull#&nbsp; &nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;</p>

<p>&hellip;..#DBFirstTitle#</p>

<p>VERSUS</p>

<p>&nbsp;</p>

<p>#DBSecondTitleFull#</p>

<p>#VehicalInvolved#</p>

<p>#OwnerOfVehical#</p>

<p>#InsurarOfVehical#</p>

<p>&nbsp;</p>

<p>&nbsp;</p>

<p>&nbsp;&nbsp;&nbsp;&nbsp; &hellip;. #DBSecondTitle#</p>

<p><strong>#DBStrength# #DBCaseType# U/S 173 OF THE MOTOR VEHICLE ACT, 1988 AGAINST THE AWARD DATED #DBImpungedOrder# PASSED BY #DBOfficerName#, #DBCadre# JUDGE, #DBAgainstCourt# IN CLAIM PETITION NO. #DBAgCaseNoYear# , CIS CASE NO. #DBAgCISCASENoYear# (CNR NO. #DBCNRNO#) #ShortTitle# WHEREBY CLAIM PETITION FILED BY THE #DBFirstTitle# WAS PARTLY ALLOWED AWARDING COMPENSATION OF RS. #AmountAwarded# OUT OF RS. #AmountClaimed#. </strong></p>

<p>&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;</p>

<p>VALUATION OF THE APPEAL&nbsp;&nbsp;&nbsp;&nbsp; : RS.&nbsp;&nbsp; <strong>#AmountClaimed#- </strong>&nbsp; <strong>#AmountAwarded# -/</strong></p>

<p>COURT FEES PAID&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp; &nbsp;&nbsp;&nbsp; : RS.&nbsp;&nbsp;&nbsp; 10/-</p>

<p>&nbsp;</p>

<p><strong>TO,</strong></p>

<p><strong>HON&#39;BLE CHIEF JUSTICE AND HIS OTHER COMPANION JUDGES OF THE HIGH COURT OF JUDICATURE FOR </strong>#DBStateName#<strong> AT #DBBench#</strong></p>

<p>&nbsp;</p>

<p><strong>MAY IT PLEASE YOUR LORDSHIPS</strong><strong>:</strong></p>

<p>&nbsp;</p>

<p>The humble #DBFirstTitle#, above named, most respectfully submit as under: -</p>

<ol>

<li>That the brief facts leading to filing of the present claim petition are that #DBFirstTitle# herein filed a claim petition on or about #DateoffileingClaimPetion# before learned <strong>#DBAgainstCourt#</strong> claiming compensation of Rs. <strong>#AmountClaimed# </strong>/- for pecuniary losses and non pecuniary losses suffered by claimant appellant on account of death of #NameofDeceased#&nbsp; #Relation# who sustained injuries in an accident taken place on #DeathofAcciedent# due to rash and negligence of the Respondent No. 1 in driving #VehicalInvolved# No. #VehicalNo# and ultimately died. It was further mentioned in the claim petition that deceased #NameofDeceased# due to the accident of #VehicalInvolved# No. #VehicalNo# came driving his vehicle with high speed and carelessly and hit the deceased. As a result of said accident, #NameofDeceased# died.&nbsp; It was further mentioned that deceased #NameofDeceased# was doing job at as a #EmploymentTypeWithPlace# and was earning Rupees #Earning# per month at the time of his death.</li>

<li>&nbsp;It was further mentioned that a FIR No. #FirNo# was lodged at Police Station #PoliceStationDetail# in which challan was filed against the driver of #VehicalInvolved# No. #VehicalNo#.</li>

<li>That it was further mentioned in the claim petition that deceased was #AgeOfDeseaded# years old and was earning of Rs. #Earning# /- per month by at the time of his death and his income was likely to be enhanced. The claimant being claimed in all amount of Rs. <strong>#AmountClaimed#</strong>/- under various heads.</li>

<li>That the aforesaid claim petition was registered as claim petition no.&nbsp; #DBAgCaseNoYear#.</li>

<li>That the opposite party Respondent Nos. driver &amp; owner jointly filed their reply before the learned MACT whereas respondent&nbsp; Insurance Company filed its separate reply.</li>

<li>That on the basis of pleadings of the parties, the learned M.A.C.T. framed as much as issues in which the claimant appellant got examined as <strong>#WitnessExamined#</strong> and got exhibited various documents #DocumentExihivted#, whereas the respondents examined #WitnessRespondant#.</li>

<li>That after hearing counsel for the parties, the learned M.A.C.T. vide its award dated <strong>#DBImpungedOrder#</strong><strong> </strong>was pleased to decide the issue no. 1 &amp; 3 in favor of the claimants appellants whereas issue No. 2 &amp; 4 was partly decided in favor of claimants and awarded in all amounts of Rs. <strong>#AmountAwarded# </strong>/- to the claimants appellants out of claimed amount Rs. #AmountClaimed# /-. A certified copy of the award dated #DBImpugnedOrder# is enclosed herewith and marked as <strong>Annexure-1</strong>.</li>

</ol>

<p>Thus, being aggrieved against the award dated #DBImpugnedOrder# passed by the learned M.A.C.T. the claimants appellants preferred this appeal before this Hon&#39;ble Court, inter-alia, on the following grounds:</p>

<h1>G R O U N D S</h1>

<ol>

<li>That the impugned award dated <strong>#DBImpungedOrder#</strong> passed by the learned M.A.C.T. is against the facts available on record and law applicable. As such, the impugned award dated <strong>#DBImpungedOrder#</strong> deserves to be modified by this Hon&rsquo;ble Court.&nbsp;</li>

<li>That the learned MACT has further erred in passing the award and deducting 1/4th amount from the income which is wholly unjustified though claimant were in total 6 members though deceased left wife, two sons, two daughters and a father at the time of death. As such, the impugned award dated #DBImpugnedOrder# deserves to be modified by this Hon&rsquo;ble Court.&nbsp;</li>

<li>That the learned M.A.C.T. has seriously erred in passing the impugned award dated <strong>#DBImpungedOrder#</strong> in awarding the meager amount under the head of funeral expenses and loss of estate, which is also wholly insufficient.&nbsp; As such, the impugned award dated <strong>#DBImpungedOrder#</strong> deserves to be modified by this Hon&rsquo;ble Court.&nbsp;</li>

<li>That the learned M.A.C.T. has seriously erred in passing the impugned award dated <strong>#DBImpungedOrder#</strong> towards granting consortium to claimants. Looking to the overall facts the amount awarded under this count is a meager amount and also wholly insufficient.&nbsp; As such, the impugned award dated #DBImpugnedOrder# deserves to be modified by this Hon&rsquo;ble Court.</li>

<li>That the learned MACT has erred in applying the multiplier of 9 having determined the age of deceased. As such, the impugned award dated <strong>#DBImpungedOrder#</strong> deserves to be modified by this Hon&rsquo;ble Court.</li>

<li>That the learned MACT has seriously erred in passing the impugned award dated #DBImpugnedOrder# towards the future prospects not properly consider according employment of deceased. As such, the impugned award dated <strong>#DBImpungedOrder#</strong> deserves to be modified by this Hon&#39;ble Court.</li>

<li>That the learned MACT has seriously erred in assessing the income of deceased by deduction of the tax overlooking the fact of other relevant documents. As such, the impugned award dated <strong>#DBImpungedOrder#</strong> deserves to be modified by this Hon&rsquo;ble Court.</li>

<li>That the learned MACT has seriously erred in passing the impugned award dated <strong>#DBImpungedOrder#</strong> towards the expenses of transportation was not consider. As such, the impugned award dated <strong>#DBImpungedOrder#</strong> deserves to be modified by this Hon&#39;ble Court.</li>

<li>That the learned MACT has seriously erred in passing the impugned award dated <strong>#DBImpungedOrder#</strong> towards not considering the expenses for repairing of the motorcycle. As such, the impugned award dated <strong>#DBImpugnedOrder#</strong> deserves to be modified by this Hon&#39;ble Court.</li>

<li>That the learned M.A.C.T. has seriously erred in passing the impugned award dated <strong>#DBImpungedOrder#</strong> towards enhanced the amount for conventional heads namely loss of estate, loss of consortium and funeral expenses to claimants overlooking the guideline of Pranay Sethi judgment. That the Pranay Sethi Judgment was pronounced in the year 2017 by the Hon&rsquo;ble Supreme Court. Therefore, the claimants are entitled to 20% enhance the amount for conventional heads but the learned trial court was overlooking this fact not enhanced the amount under this count.&nbsp; As such, the impugned award dated <strong>#DBImpungedOrder#</strong> deserves to be modified by this Hon&rsquo;ble Court.</li>

<li>That the learned MACT has further in awarding interest @ of 6% per annum on the amount of compensation though it should have been awarded @ of 18% per annum. As such, the impugned award dated <strong>#DBImpungedOrder#</strong> deserves to be modified by this Hon&rsquo;ble Court.</li>

<li>That the claimants-appellants crave indulgence of this Hon&#39;ble Court to submit all other grounds in support of the present petition at the time of arguments with kind permission.</li>

</ol>

<h1>P R A Y E R</h1>

<p>&nbsp;</p>

<p>It is, therefore, most respectfully prayed that this Hon&#39;ble Court may most graciously be pleased to accept and allow this claim petition and the award dated #DBImpugnedOrder# passed by the learned <strong>#DBAgainstCourt#</strong> in Claim Petition no. #DBAgCaseNoYear#, CIS Case No. #DBAgCISCASENoYear# &nbsp;&nbsp;(CNR No. #DBCNRNO# #ShortTitle#) may kindly be modified and the amount of compensation may kindly be enhanced in favour of the claimants appellants.</p>

<p>Any other appropriate order or direction, which this Hon&#39;ble Court deems just and proper be also passed in favour of the claimants appellants.</p>

<p>Jaipur</p>

<p>Dated:</p>

<p><strong>HUMBLE CLAIMANTS APPELLANTS </strong></p>

<p><strong>THROUGH COUNSELS</strong></p>

<p><strong>(L.L. GUPTA / VIKRAM JONWAL/LAKSHAYA SHARMA / TANMAY MATHUR/ VIJETA JAIN)</strong></p>

<p><strong>ADVOCATE</strong></p>

<p><strong>R/358/1990&nbsp; ;&nbsp; R/534/2010 ; R/2873/2020/;R/4591/2022;/R-5882/2023 </strong></p>

<p><strong><a href="mailto:llguptaadvocate@gmail.com">llguptaadvocate@gmail.com</a></strong></p>

<p><strong>9829216601</strong></p>

<h3>NOTES:</h3>

<ol>

<li>That no such appeal has been filed previously before any Court of law.</li>

<li>That stout papers are being used as pie-papers were not readily available.</li>

<li>That the appeal has not been typed by any staff member of High Court.</li>

<li>It is S.B. matter.</li>

<li>PF Notice and extra set would be filed as per direction of the Court</li>

</ol>

<p>Counsel for claimants Appellants</p>

<p>&nbsp;</p>

<p><strong>IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN</strong></p>

<p><strong>AT JAIPUR BENCH, JAIPUR</strong></p>

<p>&nbsp;</p>

<p>#DBStrength# &nbsp;#DBCaseType# APPEAL NO. #DBCaseNoYear#</p>

<p>&nbsp;</p>

<p>#DBShourtTitleFirst#.</p>

<p>Versus</p>

<p>#DBShourtTitleSecond#.</p>

<p>.</p>

<p>&nbsp;</p>

<h1>I N D E X</h1>

<p>&nbsp;</p>

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<p>S.No</p>

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<p>Particulars</p>

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<p>Page Nos.</p>

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<ol>

<li>&nbsp;</li>

</ol>

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<p>Memo of Miscellaneous Appeal</p>

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<p>2.</p>

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<p>Annexure-1</p>

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<p>Certified copy of award dated <strong>#DBImpungedOrder#</strong></p>

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<p>&nbsp;</p>

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<p>&nbsp;</p>

<p>&nbsp;</p>

<p><strong>HUMBLE CLAIMANTS APPELLANTS </strong></p>

<p><strong>THROUGH COUNSELS</strong></p>

<p>&nbsp;</p>

<p><strong>(L.L. GUPTA / VIKRAM JONWAL/LAKSHAYA SHARMA / TANMAY MATHUR/ VIJETA JAIN)</strong></p>

<p><strong>ADVOCATE</strong></p>

<p><strong>R/358/1990&nbsp; ;&nbsp; R/534/2010 ; R/2873/2020/;R/4591/2022;/R-5882/2023 </strong></p>

<p><strong><a href="mailto:llguptaadvocate@gmail.com">llguptaadvocate@gmail.com</a></strong></p>

<p><strong>9829216601</strong></p>

<p>&nbsp;</p>

<p><strong>IN THE HIGH COURT OF JUDICATURE FOR #DBState#</strong></p>

<p><strong>AT #DBBench#</strong></p>

<p>&nbsp;</p>

<p>#DBStrength# &nbsp;#DBCaseType# APPEAL NO. #DBCaseNoYear#</p>

<p>&nbsp;</p>

<p>#DBShourtTitleFirst#.</p>

<p>Versus</p>

<p>#DBShourtTitleSecond#.</p>

<p><strong>SYNOPSIS </strong></p>

<p><strong>#DBImpungedOrder#</strong> Bhagchand Meena died in an accident taken place due to rash and negligency of the Driver of Tractor No. R.J.17/R.A.9407.</p>

<p><strong>#DBImpungedOrder#</strong> Claimants appellants filed claim petition claiming compensation of Rs. 3,50,61,496/-</p>

<p><strong>#DBImpungedOrder#</strong> Though the learned MACT awarded compensation of Rs. 98,41,445/- out of Rs. 3,50,61,496/-.</p>

<p>&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp; Hence the present appeal on the grounds mentioned in the memo of appeal.</p>

<p>&nbsp;</p>

<p>&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp; <strong>HUMBLE CLAIMANTS APPELLANTS </strong></p>

<p><strong>THROUGH COUNSELS</strong></p>

<p>&nbsp;</p>

<p><strong>(L.L. GUPTA / VIKRAM JONWAL/LAKSHAYA SHARMA / TANMAY MATHUR/ VIJETA JAIN)</strong></p>

<p><strong>ADVOCATE</strong></p>

<p><strong>R/358/1990&nbsp; ;&nbsp; R/534/2010 ; R/2873/2020/;R/4591/2022;/R-5882/2023 </strong></p>

<p><strong>&nbsp;</strong></p>

<p><strong><a href="mailto:llguptaadvocate@gmail.com">llguptaadvocate@gmail.com</a></strong></p>

<p><strong>9829216601</strong></p>

<p>&nbsp;</p>

<p><strong>IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN</strong></p>

<p><strong>AT JAIPUR BENCH, JAIPUR</strong></p>

<p>&nbsp;</p>

<p>#DBStrength# #DBCaseType# NO.&nbsp; #DBCaseNoYear#</p>

<p>&nbsp;</p>

<p>&nbsp;Smt. Badam and Ors.</p>

<p>Versus</p>

<p>Premnarayan Gurjar and Ors.</p>

<p>&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;&nbsp;</p>

<p><strong>MACT MATTER</strong></p>

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<p><strong>1.</strong></p>

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<p>1. Claimant Name</p>

</td>

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<p>&nbsp;Smt. Badam</p>

</td>

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<p>2.&nbsp; Age of Deceased.</p>

</td>

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<p>57 Year, 3 Months</p>

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<p><strong>2.</strong></p>

</td>

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<p>1. Injury Matter</p>

</td>

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<p>N.A</p>

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<p>&nbsp;&nbsp;&nbsp; -Simple Injury</p>

</td>

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<p>N.A</p>

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<p>&nbsp;&nbsp;&nbsp; -Grievies Injury</p>

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<p>2. Percentage of Permanent Disability</p>

</td>

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<p>N.A</p>

</td>

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<p>3.&nbsp; Death Matter</p>

</td>

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<p>Yes</p>

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<p>4.&nbsp; Other.</p>

</td>

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<p>N.A.</p>

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<p><strong>3.</strong></p>

</td>

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<p>Whether Claimant is /was</p>

</td>

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<p>&nbsp;</p>

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<ol>

<li>Govt. Servant</li>

</ol>

</td>

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<p>Yes</p>

</td>

</tr>

<tr>

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<ol>

<li>Private Employee</li>

</ol>

</td>

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<p>&nbsp;</p>

</td>

</tr>

<tr>

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<ol>

<li>Other if any,</li>

</ol>

</td>

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<p>&nbsp;</p>

</td>

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<p><strong>4.</strong></p>

</td>

<td style="border-bottom:1px solid black; border-left:none; border-right:1px solid black; border-top:none; vertical-align:top; width:277px">

<p>1. Violation of any condition of Insurance Policy</p>

</td>

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<p>No</p>

</td>

</tr>

<tr>

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<p>&nbsp;2. Name of Insurance Company.</p>

</td>

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<p>Reliance General Insurance Company Ltd.</p>

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<td rowspan="3" style="border-bottom:1px solid black; border-left:1px solid black; border-right:1px solid black; border-top:none; vertical-align:top; width:48px">

<p><strong>5.</strong></p>

</td>

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<p><strong>DETAILS OF LOWER COURT</strong></p>

<p>(E.g. case no.</p>

</td>

<td style="border-bottom:1px solid black; border-left:none; border-right:1px solid black; border-top:none; vertical-align:top; width:209px">

<p>MACT Case No. 35/2024, CIS Case No. 35/2024 (CNR No. RJSM120000462024) Smt. Badam and ors. v/s Premnarayan Gurjar and ors.)</p>

</td>

</tr>

<tr>

<td style="border-bottom:1px solid black; border-left:none; border-right:1px solid black; border-top:none; vertical-align:top; width:277px">

<p>Name of M.A.C.T. Tribunal and</p>

</td>

<td style="border-bottom:1px solid black; border-left:none; border-right:1px solid black; border-top:none; vertical-align:top; width:209px">

<p>MACT SAWAIMADHOPUR</p>

</td>

</tr>

<tr>

<td style="border-bottom:1px solid black; border-left:none; border-right:1px solid black; border-top:none; vertical-align:top; width:277px">

<p>Date of Decision.</p>

</td>

<td style="border-bottom:1px solid black; border-left:none; border-right:1px solid black; border-top:none; vertical-align:top; width:209px">

<p><strong>#DBImpungedOrder#</strong></p>

</td>

</tr>

</tbody>

</table>

<p><strong>HUMBLE CLAIMANTS APPELLANTS </strong></p>

<p><strong>THROUGH COUNSELS</strong></p>

<p>&nbsp;</p>

<p><strong>(L.L. GUPTA / VIKRAM JONWAL/LAKSHAYA SHARMA / TANMAY MATHUR/ VIJETA JAIN)</strong></p>

<p><strong>ADVOCATE</strong></p>

<p><strong>R/358/1990&nbsp; ;&nbsp; R/534/2010 ; R/2873/2020/;R/4591/2022;/R-5882/2023 </strong></p>

<p><strong><a href="mailto:llguptaadvocate@gmail.com">llguptaadvocate@gmail.com</a></strong></p>

<p><strong>9829216601</strong></p>

<p>&nbsp;</p>

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